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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the United States of America submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 7 June 2006 from the Chargé d'affaires a.i. of the United States Mission to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

I am pleased to respond to your letter, dated 4 April 2006, on behalf of the Counter-Terrorism Committee. In response to that letter, enclosed please find information concerning the implementation by the United States of resolution 1624 (2005) (see enclosure).

The United States looks forward to continued cooperation with the Committee.

(*Signed*) Mark **Wallace**
Ambassador

Enclosure

Response of the United States of America to the Counter-Terrorism Committee: United States implementation of Security Council resolution 1624 (2005)

1.1 What measures does the United States have in place to prohibit by law and to prevent incitement to commit a terrorist act or acts? What further steps, if any, are under consideration?

UNSCR 1624 "calls upon all States to adopt such measures as may be necessary and appropriate and in accordance with their obligations under international law to . . . prohibit by law incitement to commit a terrorist act or acts [and] prevent such conduct." The United States has in place a number of legal measures that comport with these provisions of UNSCR 1624 and is currently studying additional measures and ways of using existing authorities to advance the purposes of this resolution.

Measures taken by the United States that are relevant to the prohibition and prevention of incitement as called for in UNSCR 1624 include: (1) criminalization of solicitation to violence, seditious conspiracy, and advocacy of the overthrow of Government and criminalization of certain "inchoate crimes" that permit prosecution of preparatory acts to substantive criminal conduct, including acts of terrorism; (2) designation of terrorist organizations with the resulting legal consequences; and (3) making inadmissible to the U.S. aliens who have either incited terrorist activity with the intention to cause death or serious bodily injury, or endorsed or espoused terrorist activity, or persuaded others to endorse or espouse terrorist activity.

General Considerations

In considering whether a measure relating to UNSCR 1624 is "necessary and appropriate and in accordance with [a State's] obligations under international law" particular consideration must be given to whether the measure appropriately takes into account the right of freedom of expression.

The right of freedom of expression is enshrined in Article 19 of the International Covenant on Civil and Political Rights, which provides (in pertinent part) that "[e]veryone shall have the right to freedom of expression" and that this right may be restricted only where provided by law and necessary "for the rights or reputations of others, or for the protection of national security or public order, or of public health or

morals." When it ratified the ICCPR, the United States specifically declared that the ICCPR provision stating that "fundamental human rights existing in any State Party may not be diminished on the pretext that the Covenant recognizes them to a lesser extent" has "particular relevance" to the restrictions on freedom of expression in Article 19. The United States further declared that it "will continue to adhere to the requirements and constraints of its Constitution in respect to all such restrictions and limitations." The United States also entered a reservation, to which no country filed an objection, that Article 20 (which states that "any advocacy of national or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law") "does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States."

In the United States, freedom of expression is protected by the First Amendment to the Constitution, which provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." The U.S. Supreme Court has interpreted the free speech guarantee of the First Amendment to extend beyond the expression of personally held beliefs to include speech advocating illegal conduct.

In Brandenburg v. Ohio, the Supreme Court overturned the defendant's conviction in state court for participating in a Ku Klux Klan organizational rally. The Court held unanimously that "the constitutional guarantees of free speech and free press do not permit a State to forbid or proscribe advocacy of the use of force or of law violation, except where such advocacy is directed to inciting or producing imminent lawless actions and is likely to incite or produce that action." Brandenburg v. Ohio, 395 U.S. 444, 447 (1969). Because this test requires proof of both an intent to incite or produce unlawful action and a likelihood that the speech will incite imminent unlawful action, there has never been a case in the U.S. in which the mere publication of written materials was found to be a punishable incitement offense. Rather, Brandenburg's rule permitting prosecution has typically been applied in cases where a speaker urges an already agitated mob to commit illegal acts (such as assaulting a passing victim).

As a result, the majority of the terrorist propaganda found on the Internet today could not be prosecuted under U.S. criminal law. Even a page on the World Wide Web advocating committing acts of terrorist violence likely lacks (at least without proof of

additional facts) the potential to produce imminent lawless action required under the Brandenburg exception.

Relevant Criminal Statutes

While U.S. Constitutional protections for free speech limit the extent to which the U.S. can criminalize speech, a number of U.S. statutes criminalize speech-related conduct that supports or encourages violent acts, including terrorist acts (whether or not the relevant statute specifically characterizes it as "incitement" or specifically refers to "terrorism").

First, the federal criminal solicitation statute, 18 U.S.C. § 373, makes it a crime "with intent that another person engage in [the] conduct," to "solicit[], command[] induce[] or otherwise endeavor[] to persuade [an]other person to engage in" the use, or threatened use of physical force against property or against the person of another in violation of the laws of the United States. 18 U.S.C. § 373(a).

Significantly, this statutory prohibition makes speech punishable when the defendant specifically intends that "another person engage in [the] conduct constituting a felony" and where the surrounding circumstances are "strongly corroborative of that intent." See 18 U.S.C. § 373(a). Such additional qualifications are intended to preserve the vitality of the solicitation statute from a First Amendment-based challenge.

However, the offense of solicitation is complete when the defendant attempts to persuade another to commit a crime. It is therefore inconsequential whether the contemplated federal crime of force or violence was actually consummated or whether the defendant even succeeded in inducing his subject to attempt such commission. United States v. Cardwell, 433 F.3d 378, 391 (4th Cir. 2005); see Initiative & Referendum Instit. v. U.S. Postal Service, 417 F.3d 1299, 1314 (D.C. Cir. 2005)("In criminal law, solicitation is regarded as a freestanding offense: requesting the unlawful act is itself a crime, regardless of whether the offense was consummated"). Thus, solicitation does not require that the proponent of the criminal act successfully persuade his listener to use unlawful physical force so long as it is clear that he or she intended to do so.

While federal prosecutors typically employ this federal solicitation statute to deal with offenses such as solicitation to commit common crimes such as murder, assault,

etc. (see, e.g., Cardwell, 433 F.3d at 384 (murder)), the statute could also be deployed to reach solicitation to commit the use or threatened use of force against persons or property relating to the commission of acts of terrorism. See, e.g., 18 U.S.C. § 2332(b) (acts of terrorism, such as murder, maiming, or kidnapping, transcending national boundaries); 18 U.S.C. § 2332f (bombings of places of public use); 49 U.S.C. § 46502 (aircraft piracy).

Two U.S. criminal statutes address acts that are intended to advance the forceful overthrow of the government. 18 U.S.C. § 2384 prohibits seditious conspiracy (plotting to use force to overthrow the government).[1] 18 U.S.C. § 2385 proscribes teaching or advocating the duty or necessity of overthrowing or destroying the government of the United States by force or violence; publishing or circulating literature which so teaches or advocates; joining or organizing any group which so teaches or advocates, knowing the purposes thereof; or conspiring to do any of the foregoing.[2]

[1] 18 U.S.C. § 2384 provides:

> If two or more persons . . . conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United States contrary to the authority thereof, they shall each be fined under this title or imprisoned not more than twenty years, or both.

[2] 18 U.S.C. § 2385 provides, in pertinent part, that:

> Whoever knowingly or willfully advocates, abets, advises, or teaches the duty, necessity, desirability, or propriety of overthrowing or destroying the government of the United States or the government of any State, Territory, District or Possession thereof, or the government of any political subdivision therein, by force or violence, or by the assassination of any officer of any such government;
> or
> Whoever, with intent to cause the overthrow or destruction of any such government, prints, publishes, edits, issues, circulates, sells, distributes, or publicly displays any written or printed matter advocating, advising, or teaching the duty, necessity, desirability, or propriety of overthrowing or destroying any government in the United States by force or violence, or attempts to do so; or
> Whoever organizes or helps or attempts to organize any society, group, or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; or becomes or is a member of, or affiliates with, any such society, group, or assembly of persons, knowing the purposes thereof—
> Shall be fined under this title or imprisoned not more than twenty years . . . .

In the past, the United States has used Sections 2384 and 2385 primarily during times of civil strife or national emergency. However, in the 1990s, a U.S. court convicted terrorist Sheik Omar Amad Ali Abdel Rahman ("Rahman") of violating 18 U.S.C. § 2384, and other criminal statutes, for his involvement in alleged terrorist plots to bomb New York City facilities and to assassinate certain persons. Although Section 2834 does not require that the defendant carry out or take any steps to implement the alleged conspiracy, in Rahman's case, the government had evidence that his co-defendants had actually heeded the exhortations of his sermons. The U.S. Court of Appeals for the Second Circuit subsequently upheld Rahman's conviction. The court's opinion in Rahman demonstrates that, in appropriate circumstances, U.S. courts are willing to uphold convictions under Sections 2384 and 2385 that involve incitement of terrorism – although such prosecutions are likely to have to overcome First Amendment challenges. U.S. v. Rahman, 189 F.3d 88, 116-117 (2nd Cir. 1999).

In addition to the foregoing authorities, the U.S. criminal code contains other "inchoate crimes" that permit the prosecution of preparatory acts to substantive criminal conduct, including acts of violence and acts of terrorism. See, e.g., 18 U.S.C. § 2 (prohibiting aiding, abetting, counseling, commanding and inducing an offense); 18 U.S.C. § 2339B(a)(1) (prohibiting conspiring to and attempting to provide material support to a foreign terrorist organization); 18 U.S.C. § 371 (prohibiting conspiring to commit an offense against the United States); 18 U.S.C. § 842(p) (prohibiting teaching or demonstrating the making or use of, or distributing information pertaining to the manufacture or use of, explosives, destructive devices and weapons of mass destruction with the intent or knowledge that the information will be used to commit a crime of violence); 18 U.S.C. § 956 (prohibiting conspiring to kill, kidnap, injure or maim a person outside the U.S.); 18 U.S.C. § 2332b (prohibiting conspiring to commit an act of terrorism that transcends national boundaries). Additionally, statutes implementing the UN terrorism conventions and protocols also include provisions that embrace inchoate offenses, see, e.g., 49 U.S.C. § 46502(a) (prohibiting conspiring to and attempts to commit aircraft piracy). Although these inchoate crime provisions do not criminalize mere incitement, they often permit U.S. authorities to prosecute individuals as soon as they communicate an intent to commit an act of terrorism and join with others in working to carry it out.

In addition, Sections 2339A and 2339B of Title 18 of the U.S. Code prohibit knowingly or intentionally providing, attempting to provide, or conspiring to provide material support or resources to a terrorist organization, defining the term

"material support or resources" to include "any property, tangible or intangible, or service, including currency or monetary instruments or financial securities, financial services, lodging, training, expert advice or assistance, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel (1 or more individuals who may be or include oneself), and transportation, except medicine or religious materials." See 18 U.S.C. §§ 2339A and 2339B.

Although the First Amendment of the U.S. Constitution limits the ability of the U.S. to prosecute incitement to commit acts of terrorism to the strict set of circumstances set forth in Brandenburg, the robust "inchoate crime" and "material support" provisions in U.S. law permit the prosecution of those supporting terrorism in the early planning stages, well before commission of the terrorist act is imminent. Given the overlap between supporters of terrorism and those who incite terrorism these laws also further the goals set forth in UNSCR 1624 of preventing and prohibiting incitement to terrorism.

Relevant Designation and Related Authorities

U.S. designation authorities are another measure to prevent incitement to terrorism. In particular, U.S. law provides that incitement to commit a terrorist act (under circumstances indicating an intention to cause death or serious bodily injury) is a basis for designating a group as either a "foreign terrorist organization" under 8 U.S.C. § 1189 or as a terrorist organization for immigration purposes under 8 U.S.C. § 1182(a)(3)(B)(vi)(II), provided that other relevant legal criteria are met. Moreover, even if a group has not been formally designated, such incitement will automatically result in its treatment as a terrorist organization for immigration purposes under 8 U.S.C. § 1182(a)(3)(B)(vi)(III).

Designation or treatment as a terrorist organization under these authorities results in the imposition of significant sanctions. If a group is designated or treated as a foreign terrorist organization under 8 U.S.C. § 1189 then its financial assets are frozen, it becomes unlawful knowingly to provide that group material support, and aliens having certain associations with the group (including persons who knowingly provide material support to the group) become inadmissible to and deportable from the United States. Similarly, if a group is designated or treated as a terrorist organization for immigration purposes under 8 U.S.C. § 1182(a)(3)(B)(vi)(II) or (III), aliens having certain associations with the group (including persons who knowingly provide material

support to the group) become inadmissible to and deportable from the United States. Thus, treating a group as a terrorist organization is not only a way to sanction terrorist inciters but also creates significant disincentives for those who might otherwise knowingly support terrorist inciters.

By way of a practical illustration, in December 2004, using the authority of 8 U.S.C. § 1182(a)(3)(B)(vi)(II), and on the basis that it incites to commit, under circumstances indicating an intention to cause death or serious bodily injury, terrorist activity, the United States designated the Al-Manar satellite television operation (which is owned or controlled by the Hizballah terrorist network) as a terrorist organization for immigration purposes under 8 U.S.C. § 1182(a)(3)(B)(vi)(II). As a result of this designation, any aliens providing material support, or having certain other links to, Al-Manar (including anyone who is a member or representative of, or who solicits funds or other things of value for, the organization) may be found inadmissible to the United States or may be deported.

In addition to its designation authorities under Title 8 of the U.S. Code, the United States also has authority under Executive Order 13224 to block the property and prohibit transactions with, among others, persons who (1) have committed or pose a significant risk of committing acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy or economy of the United States; or (2) assist in, sponsor, or provide financial, material or technological support for, or financial or other services to or in support of those persons determined to be subject to E.O. 13224. Although incitement is not a specific basis for designation under E.O. 13224, media outlets and others may be designated on the grounds that they are owned or controlled by, or provide support to, terrorist organizations that have already been designated under E.O. 13224.

In March of 2006, the United States used this authority to designate Al-Manar, Al-Nour Radio, and the Lebanese Media Group, the parent company of Al-Manar and Al-Nour, because of (among other things) Hizballah's ownership and control of these entities and because these entities facilitated Hizballah's activities by supporting fundraising and recruitment efforts. By blocking the assets of these entities, and by criminalizing knowing transactions with them, the designation of these entities under E.O. 13224 helps to restrict their ability to act as terrorist inciters. This domestic authority parallels in many ways the designation mechanism provided in United Nations Security Council Resolution 1267, and its successors, for those associated with Usama bin Laden, Al Qaida, and the Taliban. UNSCR 1267 may provide an additional,

effective mechanism for acting against those associated with Usama bin Laden, Al Qaida, and the Taliban who incite others to commit acts of terrorism.

Authority to Render an Individual Inadmissible

The U.S.'s immigration laws also currently permit the U.S. to exclude, deport or deny asylum to aliens that have incited terrorism under circumstances indicating an intention to cause death or serious bodily harm.

Following the events of September 11, 2001, the U.S. Congress enacted the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 ("Patriot Act"), Pub. L. No. 107- 56, 115 Stat. 272 (2001). This law strengthened the ability of the U.S. government to restrict terrorist travel, because those who engage in terrorist activity are inadmissible to the United States. The Patriot Act broadened the terrorism-related grounds for alien inadmissibility and removability and expanded the definitions of "terrorist organization" and "terrorist." Those provisions were further expanded by the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief of 2005 ("REAL ID Act"), at Sections 103 and 104 of Division B. Consequently, U.S. immigration laws currently make inadmissible to the United States aliens who, under circumstances indicating an intention to cause death or serious bodily harm, have incited terrorist activity, see 8 U.S.C. § 1182(a)(3)(B)(i)(III) and (iv)(I), as well as making inadmissible aliens who endorse or espouse terrorist activity or persuade others to endorse or espouse terrorist activity. See 8 U.S.C. § 1182(a)(3)(B)(i)(VI); see also, 8 U.S.C. §§ 1158(b)(2)(A)(v), 1227(a)(4)(B).

1.2 What measures does the United States take to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit a terrorist act or acts?

As noted in 1.1, U.S. immigration law makes inadmissible to the United States aliens who, under circumstances indicating an intention to cause death or serious bodily harm, have incited terrorist activity. See 8 U.S.C. § 1182(a)(3)(B)(i)(III) and (iv)(I). Also, as noted in 1.1, a separate provision renders inadmissible anyone who endorses or espouses terrorist activity. 8 U.S.C. § 1182(a)(3)(B)(i)(VI).

1.3 How does the United States cooperate with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing terrorist screening and passenger security procedures?

The United States works with foreign partners, and especially with Mexico and Canada in accordance with the Security and Prosperity Partnership for North America, to enhance our collective ability to identify fraudulent travel documents and to develop and implement compatible screening and security procedures. Additionally, the United States shares certain types of terrorist screening information with foreign partners, including countries that participate in the U.S. Visa Waiver Program. The United States is also working to help foreign partners improve their judicial systems and the physical and procedural security of their travel documents, and to better combat terrorism and travel-related fraud by increasing relevant penalties.

The U.S. government maintains electronic systems to screen all individuals seeking entry into the United States against watchlists of known and suspected terrorists. As directed by President George W. Bush, the U.S. government, led by the Department of State, is working with international partners to facilitate the exchange of terrorist screening information maintained by the U.S. Terrorist Screening Center and its foreign counterparts, and to develop new foreign partners willing to exchange such information.

In addition, the Department of Homeland Security (DHS) is working extensively with the international community to strengthen global mechanisms of international travel against all individuals who would seek to exploit vulnerabilities in those mechanisms to illicitly travel from country to country. To this end, DHS works regularly with the International Civil Aviation Organization (ICAO), a recognized international standards setting organization. Specifically, DHS participates in a variety of working groups intended to improve global standards for document and border security, including, the ICAO Document Content and Format Working Group (DCFWG) and the New Technologies Working Group (NTWG).

ICAO has recently revised Chapter 3 of Annex 9 to the Convention on International Civil Aviation in an attempt to reduce the use of fraudulent travel

documents. As revised, Chapter 3 requires that States seize fraudulent, altered, and counterfeit documents, as well as travel documents presented by those who are not the rightful owner, thereby removing them from circulation. States are to return these documents to the appropriate authorities of the issuing State.

In January 2005, U.S. Customs and Border Protection (CBP) adopted the policy of removing from circulation all fraudulent travel documents encountered at U.S. ports of entry and at mail facilities. At that time, CBP created the Fraudulent Document Analysis Unit (FDAU) to receive all confiscated travel documents, analyze them for intelligence information, and dispose of them according to international standards adopted by ICAO. To date, CBP/FDAU has returned over 5,600 fraudulent passports to 27 respective Embassies in Washington D.C. Additional intelligence information relating to the use of fraudulent travel documents is also shared, as appropriate, with foreign officials.

To strengthen its ability to identify the fraudulent use of lost, stolen or otherwise invalid travel documents, DHS is engaging with Interpol and Asia-Pacific Economic Cooperation (APEC) to ensure CBP officers have current and accurate information about lost and stolen documents issued by other governments. In cooperation with Interpol, DHS is exploring the integration of a check against the Interpol Automated Search Facility/Stolen and Lost Travel Documents (ASF/SLTD) database as part of the regular processing of all travelers entering the United States. This database is an internationally recognized repository for lost and stolen identity documents issued by member governments to which DHS encourages all States to contribute timely and complete data. In addition, through APEC, CBP is working with Australia and New Zealand on the Regional Movement Alert List pilot, which seeks to enable the real-time sharing of lost and stolen passport information between participating economies through a centralized query broker.

Bilaterally, DHS has initiated arrangements with Poland and the Netherlands to implement the Immigration Advisory Program. Under these arrangements, U.S. CBP officers are stationed at foreign airports to assist local authorities and air carriers in checking documentation of high-risk passengers prior to departure and making preliminary decisions regarding admissibility.

Similarly, the United States government works closely with the 27 countries to which it extends visa free travel privileges through the Visa Waiver Program. As

participants in the program, partnering nations agree to implement biometric passports, share lost and stolen passport information and maintain a high level of border security in their own territories.

Also, in support of international cooperation in the effort to combat the use of fraudulent travel documents, CBP participates in the Immigration Fraud Conference (IFC). The IFC is an annual meeting of document specialists in the field of Immigration/Border Control fraud and passport and document abuse. The conference is a well-established forum for the exchange of information between member countries in areas of mutual interest. There are currently 20 member countries.

Similarly, DHS participates in a variety of standing international dialogues to discuss border security and counterterrorism issues, including with the United Kingdom, Australia, Canada, Mexico, European Union, and the G8.

1.4 What international efforts is the United States participating in or considering participating in/initiating in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

In the United States, the federal government and the private sector both support opportunities for students, scholars, and teachers to expand their understanding of the history and culture of other countries in the world.

Through international exchange programs, such as the Fulbright program, U.S. students, scholars, and professionals study, teach, lecture, and conduct research in more than 150 countries, and their foreign counterparts engage in similar activities in the United States. Through the experience of studying and living in another country, educators in the social sciences and humanities improve their understanding and knowledge of the peoples and cultures of other countries.

Other programs support public educational programs and opportunities for scholarly and artistic collaboration. The National Endowment for the Humanities (NEH), an independent grant-making agency of the United States government, promotes knowledge of the history, thought, and culture, not only of the United States, but also of other countries in the world. NEH grants support research, education,

public programs, and preservation of and access to cultural resources. With NEH support, U.S. scholars work with colleagues abroad on such projects as the creation of a web-based "Archive of Indigenous Languages of Latin America" and the documentation, study, conservation, and publication of the inscriptions and reliefs of the Great Hypostyle Hall in the temple of Amun-Ra at Karnak, in Luxor, Egypt. Other NEH-supported projects include the preparation of reference works, such as the *Encyclopedia of Islam*, which is composed of articles written by an international team of the foremost scholars in their fields that documents the history and culture of the Muslim world from the 7th century to the present, and the *Encyclopedia Iranica*, which covers all aspects of the history and culture of the Iranian peoples as well as their interaction with neighboring peoples and to which over 870 scholars worldwide have contributed articles in a variety of languages, from English and Russian to Persian, Turkish, and Chinese.

NEH also supports summer institutes and seminars that provide teachers the opportunity to pursue serious, substantive intellectual inquiry in fields such as history, foreign languages, literature, philosophy, and political science. Working with distinguished scholars, participants deepen their knowledge of the subjects they teach and explore effective ways of bringing this understanding to their students. This summer teachers will pursue such topics as "Japanese Culture and Values," "South Africa: Continuity and Change," and "Cultures and Religions of the Himalayan Region."

NEH seeks to reach wider audiences beyond the schools and colleges and universities through public programs in libraries and museums and through television and radio documentaries. For example, a project undertaken in 180 libraries in the western states brought English and Spanish speakers from the general public together with literary scholars in bilingual reading and discussion programs called "The Language that Unites Us/El lenguaje que nos une" and "The Bridges that Unite Us/Los Puentes Que Nos Unen." These projects sought to foster an appreciation for the rich culture and experiences of Latinos as reflected in the work of great authors such as Julia Alvarez, Ernesto Cardenal, Carlos Fuentes, Rigoberta Menchú, Miguel Méndez, Pablo Neruda, and Sabine Ulibarrí. A recent grant will support the production of 26 original programs for a weekly radio show that explores the music cultures of Africa and the African Diaspora throughout the Americas, the Caribbean, and the Middle East.

NEH from time to time institutes special initiatives to encourage applications on particular topics. Last year it announced "Rediscovering Afghanistan," inviting projects that focus on Afghanistan's history and culture. The special initiative is designed to promote research, education, and public programs about Afghanistan and to encourage United States institutions to assist Afghanistan in efforts to preserve and document its cultural resources.

Humanities councils in each state and territory, supported in part by NEH, also conduct programs aimed at deepening understanding of other cultures. For example, after 9/11, several state councils established grant programs designed to bring humanities perspectives to bear on the response to the tragedy. For example, the California Council established a grant program to encourage community organizations to work with humanities scholars "to create local forums and provide a range of perspectives that [would] help dispel the ignorance that encourages hate crimes and divisive stereotyping." The Oklahoma Council sponsored a program that provided a brief survey of Islamic history and an outline of Islam's basic beliefs and practices and also dealt deal with myths associated with Islam and problems that face Muslims and non-Muslims as they attempt to understand each other. The Maine Humanities Council is now sponsoring a program, "Behind the Headlines: An Introduction to the Middle East" as part of its "Let's Talk About It" series, and the Massachusetts Humanities Foundation is sponsoring a reading, lecture, and discussion program called "Understanding the Modern Middle East."

The National Endowment for the Arts supports USArtists International. Through this program, arts organizations are awarded grants to help them travel to and perform at international festivals. Through partnerships with other government agencies and the private sector, the NEA also fosters international creative collaboration by strengthening residency programs of foreign artists in communities across the country. Local citizens as well as the arts community benefit from the lasting international ties that result from these activities.

The annual Smithsonian Folklife Festival in Washington, D.C. has featured exemplary tradition bearers from 54 nations and every region of the United States and has attracted millions of visitors from this country and around the world. At the Festival visitors are encouraged to participate – to learn, sing, dance, eat traditional foods, and converse with people – in the Festival program. Over the years, it has brought more than 16,000 musicians, artists, performers, craftspeople, workers, cooks,

storytellers, and others to the National Mall in Washington, D.C. to demonstrate the skills, knowledge, and aesthetics that embody the creative vitality of community-based traditions. In 2005, the Smithsonian Folklife Festival program on the Sultanate of Oman featured over 100 musicians, dancers, craftspeople, and cooks representing cultural traditions from the desert, oases, and sea. In addition, the Festival celebrated the diverse Latino culture in the United States and abroad through a program called "Nuestra Musica: Music in Latino Culture."

This summary provides examples of only some of the federal programs that contribute to enhancing mutual understanding among civilizations. It should be noted that many U.S. private foundations and organizations also contribute to this effort.

Along with the international community, the United States encouraged the Government of Saudi Arabia to revise its educational system to promote tolerance toward all religions and religious groups. We have also found a variety of exchange programs productive: these have introduced Saudi citizens to pluralism and religious life in America. We work in conjunction with the Broader Middle East and North Africa Initiative (BMENA) and Forum for the Future to encourage regional reform efforts and enhance dialogue both within and with Saudi Arabia.

In Vietnam, we have negotiated the first-ever binding agreement on religious freedom. Our negotiations with the Government of Vietnam have resulted in the promulgation of a new legal framework on religion, the release of virtually all religious prisoners of concern, the banning of forced renunciation and harassment of religious believers, and the formal registration of hundreds of religious meeting houses.

The United States is funding the Asia Foundation to support the development of a regional and international network of progressive Muslim scholars and activists, through the establishment of a Jakarta-based International Center for Islam and Pluralism (ICIP). This Center will provide a vehicle for the dissemination of progressive Indonesian Muslim thought outside its borders; will provide a means of deepening and amplifying progressive Muslim thought within Indonesia by bringing high-profile, like-minded thinkers from other parts of the world; and will facilitate the formation of a regional and international network of progressive Muslim thinkers.

President Bush's Middle East Partnership Initiative provides support to reformers in the region so democracy can spread, education can thrive, economies can grow, and women can have rights. In its first four years, the Middle East Partnership Initiative set in motion 350 programs in 14 countries and the Palestinian territories. Throughout the Middle East, the United States is also initiating sports outreach and cultural programming to promote a better understanding of democratic principles and strengthen the capacity of civil society, including presentations such as street theater or performance art. These are bridges of communication that are extremely effective notwithstanding the nature of political relations or perceptions, and the United States plans to continue and expand these exchanges in order to enhance dialogue and broaden understanding among civilizations.

1.5 What steps is the United States taking to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

The United States has been actively involved in demonstrating its support for moderate voices and the promotion of tolerance around the world. For example, the United States was a strong advocate of the OSCE appointing a Personal Representative on Combating Intolerance and Discrimination against Muslims for the Chairman in Office.

The United States encourages governments not to use religious expression by members of any faith as a proxy or to profile for determining whether a particular individual or group of individuals might be promoting intolerance, violence, subversion, or terrorism.

In Uzbekistan, we advocated on behalf of observant, non-violent, unregistered Muslims, imprisoned for suspicion of terrorism, urging the Government of Uzbekistan to criminalize violent acts and not beliefs. We also advocated for expanding moderate religious education to youth, and voted for a UN General Assembly Third Committee resolution on Uzbekistan that expressed grave concern about the continued pattern of discrimination, harassment, and prosecution in connection with the exercise of freedom of thought, conscience, and religion.

The United States also believes that one of the fundamental tools for combating terrorism over the long-term is the promotion of democracy and fundamental freedoms both through governmental reform and U.S. support for independent grass-roots efforts. When people believe that they have the opportunity to participate meaningfully in the political process, they are less likely to be vulnerable to the message of extremism. Examples ranging from the radio "Ring Around Serbia" and the independent printing press in Kyrgyzstan illustrate the power of indigenous voices to precipitate peaceful change.

In the Philippines, an integrated effort drawing on public diplomacy, military and development assistance resources has succeeded in providing viable alternatives to extremism. USAID's Livelihood Enhancement and Prosperity (LEAP) program, which assisted 25,000 former rebel fighters to return to productive community life, was captured in a documentary film telling the stories of four recipients. The documentary was distributed widely and shown on nationwide TV and repeatedly in Muslim areas of the country. "Shared Futures" introduced the cottage industry to poor communities by distributing sewing machines. Publications that celebrate diversity – "Muslim Life in the Philippines" – and the establishment of the Philippine Council for Islam and Democracy promote dialogue and change minds. These efforts have begun to create a culture of tolerance and peaceful coexistence.

A ten-year effort in Indonesia through USAID's program on "Islam and Civil Society" has introduced changes that have increased gender equality, respect for human rights, and interfaith peace, all working to counter the ideologies of religious extremists. Among other things, the program produced and aired on television public service announcements that promoted diversity in Muslim thought and practice. "Shared Futures" was also active in Indonesia, where it distributed education kits to school children in partnership with Nahdlatul Ulama and Muhammadiyah, the two largest Muslim organizations in the country.

1.6 What is the United States doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

The United States seeks to ensure that its law and practice are consistent with its international obligations. As described in the response to question 1.1 above, U.S. constitutional law provides protections for free expression more robust than those called for in the International Covenant on Civil and Political Rights. In addition, new legislation is reviewed for consistency with the ICCPR and other human rights treaties to which the U.S. is party, the Protocol Relating to the Status of Refugees, and other U.S. treaty obligations. The United States recently reported in detail to the respective treaty bodies on its compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and with the ICCPR. The full reports and the transcript can be found at http://www.state.gov/g/drl/rls/ and http://geneva.usmission.gov/.